



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 21, 1995

Ms. Tamara Armstrong
Assistant County Attorney
Travis County
P.O. Box 670
Austin, Texas 78767-0670

OR95-1584

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 27334.

The Travis County Sheriff (the "sheriff") has received a request for information relating to the proposed state jail facility. Specifically, the requestor seeks access to the following information:

Letter from [the sheriff] to District Attorney Ronnie Earle within the past two months concerning questions about the proposed state jail facility, and seeking an investigation.

Response letter to [the sheriff] from Ronnie Earle.

You have submitted the requested information to us for review and claim that section 552.111 of the Government Code excepts it from required public disclosure.

Section 552.111 excepts from disclosure an "interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the section 552.111 exception and concluded that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. In addition, this office concluded that section 552.111 does not protect purely factual information. Open Records Decision No. 615 (1993) at 5.

We have examined the information submitted to us for review. The letters exchanged between the sheriff and the district attorney relate to the proposed state jail facility. We conclude that some of the information contained in these letters consists of advice, recommendations, or opinions reflecting the policymaking processes of the sheriff and district attorney. This information has been marked and may be withheld from required public disclosure under section 552.111 of the Government Code. The remaining information, however, is purely factual. Its release would not reveal advice, recommendations, or opinions reflecting the policymaking processes of the sheriff and district attorney. Accordingly, the sheriff may not withhold this information under section 552.111 and must release it in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/MAR/GCK/rho

Ref.: ID# 27334

Enclosures: Marked documents

cc: Mr. Michael Ward
Reporter
Austin American-Statesman
P.O. Box 670
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(w/o enclosures)